

**Before the
COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.**

In the Matter of
Distribution of the 2013
Cable Royalty Funds

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) Docket No. 14-CRB-0010-CD (2013)
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**JOINT PETITION TO PARTICIPATE OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”), by its counsel, files this petition to participate in the above-referenced proceeding in response to the Notice issued by the Copyright Royalty Judges on June 5, 2015.¹ The Notice announces the commencement of a proceeding to determine the distribution of the 2013 royalties collected under the cable statutory license.

NAB will participate in the Phase I proceedings as the representative of the Commercial Television (“CTV”) category, on behalf of all U.S. commercial television broadcast stations retransmitted by cable operators as distant signals during 2013. The CTV category encompasses claims for programs produced by or for a U.S. commercial television station and broadcast only by that one station during the calendar year in question, not including programs produced by or for a U.S. commercial television station that are comprised predominantly of syndicated elements, such as music video shows, cartoon shows, “PM Magazine,” and locally hosted movie shows.² NAB has served as the sole representative of the CTV category in past Phase I cable royalty distribution proceedings, and is aware of no objection to its continuing representation of the interests of this Phase I claimant category.

¹ 80 Fed. Reg. 32182 (June 5, 2015).

² This definition of the Phase I CTV category was developed in a number of Copyright Royalty Tribunal (“CRT”) decisions, and it has been followed by the Phase I parties, and underlies the awards, in all Phase I Copyright Arbitration Royalty Panel (“CARP”) and Copyright Royalty Judges cable royalty distribution proceedings since the replacement of the CRT in 1993.

In accordance with Section 351.1(b) of the Copyright Royalty Board's regulations,³ as supplemented by the Notice, NAB attaches a spreadsheet listing participants in this Joint Petition. *See* Attachment A (also submitted in electronic form). The undersigned certifies, on information and belief, that, as of the date of submission of this Joint Petition, the undersigned has the authority to represent all U.S. commercial television broadcasters, including the authority and consent of the listed participants, with respect to the Phase I Commercial Television category in this cable royalty distribution proceeding. These participants have a significant interest in the subject matter of the proceedings because the stations they represent own programming retransmitted by cable systems for which they are entitled to receive cable royalties for the relevant year.

The Notice states that the "Judges seek a single Petition to Participate at any stage of the cable royalty proceeding." 80 Fed. Reg. 32182. NAB believes that it is premature to call for the identification of specific Phase II disputes at this point, before any Phase I shares have been determined. NAB believes that Phase II proceedings, if any, should be commenced by a separate future Notice explicitly identifying the proceeding as such, and that Petitions to Participate in those Phase II proceedings would properly be filed thereafter. *See* 17 U.S.C. § 803(b)(1)(A)(ii); 37 CFR §§ 351.1(b)(3), (d). Nonetheless, NAB has endeavored to identify, on a preliminary basis, claimants it may seek to represent in possible future Phase II proceedings in the Program Suppliers, Devotional, and Public Television categories, by including separate additional rows in the attached spreadsheet that identify a Claim Category other than CTV. In general, these Phase II claims involve U.S. commercial television stations that own programs that will have been

³ NAB believes that it is unduly burdensome and should be unnecessary to specify all of the individual claimants encompassed within a Phase I category in a Phase I cable royalty distribution proceeding. *See* Comments of Copyright Owners on the Copyright Royalty Board Regulations, filed in Docket No. RM 2005-1 on July 1, 2005, and November 13, 2006. NAB intends to request an appropriate amendment of the Rule as part of the Judges' anticipated reconsideration of their Rules.

encompassed within the yet-to-be determined 2013 royalty awards to the Phase I Program Suppliers, Devotional, or Public Television category rather than to the CTV category.

NAB is unaware of any Phase II controversy regarding the distribution to individual claimants of the Phase I CTV royalties that will ultimately be awarded in this proceeding, but would intend to represent all U.S. commercial television broadcaster claimants in such future Phase II proceeding, if any.

NAB respectfully reserves its right to modify the attached spreadsheet in response to rulings of the Copyright Office or the Copyright Royalty Judges, the acquisition of additional evidence, or the filings of additional claimant parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Joint Petition to Participate of the Broadcaster Claimants Group" was sent on July 6, 2015, by Federal Express to the persons on the service list below.



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